IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 6223 of 2007(N)

PETITIONER:

ANJU, S/O.SURENDRAN,
KOCHUMANGALATHU VEEDU, KIDAPRAM SOUTH,
MANDROTHURUTHU VILLAGE, KOLLAM.

BY ADV. SRI.A.RAJASIMHAN

RESPONDENTS:

---

1. DISTRICT COLLECTOR, KOLLAM.

2. SPECIAL DEPUTY TAHASILDAR (R.R.),
KOLLAM.

3. VILLAGE OFFICER, MANDROTHURUTH,
KOLLAM.

4. BRANCH MANAGER,
CANARA BANK, MANDROTHURUTH, KOLLAM.

R1 TO R3 BY G.P. SRI. C.K. GOVINDAN
R4 BY ADV. SRI.P.GOPINATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE SALE DEED NO. 849/2006 OF THEVALAKKARA SRO

EXT.P2 TRUE COPY OF THE REPRESENTATION DATED 12.2.2007

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 6223 OF 2007

Dated this the 27th day of June, 2007

JUDGMENT

Petitioner's grievance is that third respondent has attached movables in the petitioner's house for recovery of arrears due from the petitioner's sister. If the petitioner has not availed loan and has not stood as surety, no recovery could be initiated or continued against the petitioner. It is for the recovery authorities to trace the property of the defaulter or guarantors if any and proceed for recovery against those properties. Fourth respondent can furnish useful information about the debtor and loan availed, to the second respondent for recovery. W.P. is disposed of directing respondents not to proceed against petitioner or his property unless he is defaulter or guarantor or his property is mortgaged. No movables of the petitioner should also be proceeded against even if his sister has given his address for availing loan.

(C.N.RAMACHANDRAN NAIR)
Judge